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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/919,120      | 07/31/2001  | David C. Chauncey    | CLWR 0108 PUS       | 4738             |

7590 06/10/2004

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| EXAMINER |
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GHEBRETINSAE, TEMESGHEN

|          |              |
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| ART UNIT | PAPER NUMBER |
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2631

DATE MAILED: 06/10/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/919,120

**Applicant(s)**

CHAUNCEY ET AL.

**Examiner**

Temesghen Ghebretinsae

**Art Unit**

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11, 13 and 15-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9, 11, 13 and 15, 17-20, 23-27, 32-33 is/are rejected.  
7) ☒ Claim(s) 10, 16, 21, 22 and 28-31 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

### ***Claim Rejections - 35 USC § 112***

Claims 19,26 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification lacks support for the claimed "an act of transmitting a precision clock signal ***over the coaxial cable*** from the indoor unit to the outdoor unit as claimed in claims 19,26 and 33. (See fig.1)

Claims 25,27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25, "the act of modulating" lacks antecedent in the chain of dependency. The quoted phrase appears in claim 23, which is not in claim 25's chain.

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In claim 27, "the outdoor unit adapted to send **the received RF** signals to the indoor unit over the coaxial cable" is not clear. Is it the same received RF signals on claim 27, lines 4-5?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9,11,13,15,17-19,20,23-26,27,32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haugli et al. (5,991,279).

Haugli discloses a spread spectrum system comprising an outdoor unit (47) comprising an antenna and a receiving end unit; an indoor unit (50) comprising a transmitter circuit to generate transmit RF signal and receiver circuit to process received RF signals; a processor; a single coaxial cable (48) coupled between the indoor unit and outdoor unit; wherein the indoor unit is adapted to provide control signals; and the transmit RF signals for transmission by the antenna, to the outdoor unit over the coaxial cable; wherein the outdoor unit is adapted to send a received RF signal to the indoor unit over the coaxial cable. (See fig.2)

Haugli differs from the present claimed invention in that he does not transmit a power signal to the outdoor unit as claimed in claims 9,20 and 27. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made *to also* transmit a power signal to the outdoor unit over the same coaxial cable to

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minimize the number of cables connecting the indoor unit and outdoor unit; cost and installation. (see col.9, lines 47-52)

Haugli also discloses TDM technique as claimed in claim 11; an act of formatting (69) the data as claimed in claim 17,24,30; an act of coding (70) the formatted data as claimed in claim 18,25 (see col.12, lines 53-64); an act of controlling the outdoor unit and collecting status information as claimed in claims 13,15 (see col.12, lines 30-45); an act of transmission a clock signal as claimed in claim 19,26,33 and an act of modulation (74) as claimed in claim 23.

#### ***Allowable Subject Matter***

Claims 10,16,21-22,28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temesghen Ghebretinsae whose telephone number is 703-305-4777. The examiner can normally be reached on Monday-Friday from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour, can be reached on 703-306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.G.

TEMESGHEN GHEBRETINSAE  
PRIMARY EXAMINER